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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,600	03/15/2004	Kenton T. Oakes	KTO-01	1814
7590 08/03/2006				
William J. Kolegraff 3119 Turnberry Way Jamul, CA 91935				
			EXAMINER CHAUDHRY, SAEED T	
			ART UNIT 1746	PAPER NUMBER

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/800,600	Applicant(s) OAKES, KENTON T.	
	Examiner Saeed T. Chaudhry	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 17-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/15/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I, Claims 14-16, drawn to a method of cleaning, classified in Class 134, subclass 10.

Group II, Claims 1-13 and 17-21, drawn to an apparatus comprising a washer fixture; a trap vessel; a filter vessel; and pump, classified in Class 134, subclass 113.

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (M.P.E.P. § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as separating solids from a mixture of solid and liquid or coating or painting parts.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, have acquired a separate status in the art because of their recognized divergent subject matter, the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. William J. Kolegraff on May 2, 2006 a provisional election was made without traverse to prosecute the invention of Group II, claims 1-13 and 17-21. Affirmation of this election must be made by applicant in responding to this Office action. Claims 14-16 are withdrawn from further consideration by the Examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (c) he has abandoned the invention.
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
- (f) he did not himself invent the subject matter sought to be patented.
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

Claims 1, 2, 4-7, 11 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Metzger.

Metzger (4,128,478) discloses parts washer comprising a washer fixture (nozzle 25) directed into a washing basin (15); a trap vessel (26) connected to the wash basin with a drain line (41); a filter vessel (35) connected to the trap vessel (26) with a feed line; a pump (27) connected to the filter vessel (35) with a draw line, and connected to a wash line; and wherein the wash line is connected to the washer fixture. The washer fixture is a nozzle. The filter vessel is positioned so that the pump moves the cleaning liquid from the trap vessel into the filter vessel. The part washer is permanent housing for holding the washer basin, the washer fixture, the trap vessel, the filter vessel and the pump (see Fig. 1 and col. 2, lines 29-51). Metzger

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discloses a filter bag 60 as claimed in claim 6, which also read as a filter layer, as claimed in claim 7 (see col. 3, lines 22-26).

The claimed apparatus uses comprising language which does not exclude extra parts disclosed by Metzger and the claimed apparatus does not specify the specific sequence of the parts. Therefore the claimed apparatus anticipated by the Metzger.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger in view of Russell.

Metzger was discussed supra. However, the reference fails to disclose a sensor to activate the pump responsive to the position of the valve.

Russell (4,773,113) discloses an apparatus, wherein valve of a wand is connected to a sensor which activate the pump (see col. 6, lines 21-39).

It would have been obvious at the time applicant invented the claimed apparatus to include a sensor to sense the valve position to activate and deactivate the pump as disclosed by Russell into the apparatus of Metzger for the purpose of controlling the pump when opening and closing the valve of the wash line.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger in view Fossati et al.

Metzger was discussed supra. However, the reference fails to disclose that filter vessel having a float.

Fossati et al (3,850,184) disclose a parts treating apparatus comprising a float to control a valve for controlling liquid level in the vessel (see col. 6, lines 40-52).

It is well known in the art to have a float in a vessel to control liquid level in the vessel as disclosed by Fossati et al. Therefore, it would have been obvious at the time applicant invented the claimed apparatus to include a float in the filter vessel of Metzger for controlling the liquid level.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger in view of Hilgren.

Metzger was discussed supra. However, the reference fails to disclose that part washer is portable or supported on a cart.

Hilgren (5,303,725) discloses a portable part washer supported on wheels having a basin; a vessel for holding cleaning liquid, a pump for pumping cleaning liquid from the vessel to the basin and a filter for filtering cleaning liquid (see Fig. 1).

It is well known in the art of part washer to make part washer portable to transport part washer closer to place of washing parts as disclosed by Hilgren. Therefore, it would have been obvious at the time applicant invented the claimed apparatus to support the Metzger apparatus on a wheeled cart to transport from one place to another as disclosed by Hilgren.

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Further, it not regarded as inventive to merely make an old device portable or movable without producing any new and unexpected result (see *Ranco, Inc. v. Gwynn et al.*, 128 F.2d 437 [54 USPQ]).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger in view of Hilgren as applied to claim 9 above, and further in view of Yamamoto.

Metzger and Hilgren were discussed supra. However, the references fail to disclose that trap or filter vessel has wheels.

Yamamoto (6,279,587) discloses a parts washer having a trap vessel having wheels so that vessel can be easily pulled out and replaced with another vessel. This is desirable, where it is desired to change to a different type of solvent dolly 94 (see col. 4, lines 32-36 and Fig. 1).

It would have been obvious at the time applicant invented the claimed apparatus to include wheels to the trap vessel as disclosed by Yamamoto into the apparatus of Metzger for purpose of quick change of the fresh or different type of solvent.

Claims 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Metzger in view of Mead.

Metzger was discussed supra. However, the reference fails to disclose a bypass of a filter.

Mead (5,385,159) discloses a filter bypass line (see Fig. 4 and col. 2, lines 62-67).

It would have been obvious at the time applicant invented the claimed apparatus to include a bypass as disclosed by Mead into the apparatus of Metzger since it is well known in the art to exclude an element when the element and its function is not required (see *In re Karson*, 136 USPQ 184 (CCPA 1963)).

Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Metzger in view of Hilgren.

Metzger was discussed supra. However, the reference fails to disclose that part washer is portable or supported on a cart.

Hilgren (5,303,725) discloses a portable part washer supported on wheels having a basin; a vessel for holding cleaning liquid, a pump for pumping cleaning liquid from the vessel to the basin and a filter for filtering cleaning liquid (see Fig. 1).

It is well known in the art of part washer to make part washer portable to transport part washer closer to place of washing parts as disclosed by Hilgren. Therefore, it would have been obvious at the time applicant invented the claimed apparatus to support the Metzger apparatus on a wheeled cart to transport from one place to another as disclosed by Hilgren.

Further, it not regarded as inventive to merely make an old device portable or movable without producing any new and unexpected result (see *Ranco, Inc. v. Gwynn et al.*, 128 F.2d 437 [54 USPQ]).

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger in view of Fossati et al.

Metzger was discussed supra. However, the reference fails to disclose that filter vessel having a float.

Fossati et al (3,850,184) disclose a parts treating apparatus comprising a float to control a valve for controlling liquid level in the vessel (see col. 6, lines 40-52).

It is well known in the art to have a float in a vessel to control liquid level in the vessel as disclosed by Fossati et al. Therefore, it would have been obvious at the time applicant invented

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the claimed apparatus to include a float in the filter vessel of Metzger for controlling the liquid level. Further, it has been held obvious to duplicate parts for a multiplied effect (see St. Regis Paper Co. v. Bemis Co., Inc. 193 USPQ 8, 11 (7th Cir. 1977)). Therefore, it would have been obvious to include more than one filter for purpose of efficiently removing contamination from the liquid.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger in view of Fossati et al as applied to claim 17 above, and further in view of Russell.

Metzger and Fossati et al were discussed supra. However, the references fail to disclose a sensor to activate the pump responsive to the position of the valve.

Russell (4,773,113) discloses an apparatus, wherein valve of a wand is connected to a sensor which activate the pump (see col. 6, lines 21-39).

It would have been obvious at the time applicant invented the claimed apparatus to include a sensor to sense the valve position to activate and deactivate the pump as disclosed by Russell into the apparatus of Metzger for the purpose of controlling the pump when opening and closing the valve of the wash line.

The Prior art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fleck (6,568,409) discloses a parts washer having a filter bag in the filter vessel (see Fig. 3 and col. 7, lines 32-39).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Barr, can be reached on (571)-272-1414. The fax phone number for non-final is (703)-872-9306.

When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.

Saeed T. Chaudhry
Patent Examiner



MICHAEL BARR
SUPERVISORY PATENT EXAMINER